



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln No.: 10/692,468  
Filed: October 22, 2003  
Applicant(s): BAO, Qi-Bin et al.  
Title: Artificial Disc Device  
Art Unit: 3738  
Examiner:

Attorney Docket No.: 79587  
Customer No.: 22242

Confirmation No. 7253

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

10/19/04  
Date

*B. S. Chise*  
Brian S. Chise  
Registration No. 47,497  
Attorney for Applicant(s)

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to the Notice to File Missing Parts dated July 29, 2004.

- ☒ A copy of the Notice to File Missing Parts is enclosed.
- ☒ A Petition for Extension of Time for reply within the 1 month is enclosed.
- ☒ An executed Declaration for Patent Application, including Power of Attorney, is enclosed.
- ☐ \_\_\_ sheet(s) of drawings are enclosed. ☐ Formal ☐ Informal
- ☒ An Assignment of the invention to Pioneer Surgical Technology, and Recordation Form Cover Sheet - Patents Only - Form PTO-1595, are enclosed.
  - ☐ A check in the amount of \$\_\_\_\_\_ to cover the fee for recording the assignment is enclosed.
  - ☒ The Recordation Form Cover Sheet includes authorization to charge our Deposit Account for recording the assignment.

Application No. 10/692,468  
Response dated October 19, 2004  
Notice to File Missing Parts dated July 29, 2004

☒ Fee Calculation:

Fee Calculation For Claims As Filed

<input type="checkbox"/> Provisional Application Basic Fee	\$ 160.00	
Surcharge under 37 C.F.R. §1.16(1)	\$ 50.00	
<input checked="" type="checkbox"/> Non-Provisional Utility Application Basic Fee	\$ 790.00	\$ 790.00
Independent Claims      5 - 3 = 0	x \$ 88.00 =	\$ 176.00
Total Claims              20 - 20 = 0	x \$ 18.00 =	\$ 0.00
Fee for Multiply Dependent Claims	\$ 300.00	
Surcharge under 37 C.F.R. §1.16(e)	\$ 130.00	\$ 130.00
<input type="checkbox"/> Design Application Basic Fee	\$ 350.00	
Surcharge under 37 C.F.R. §1.16(e)	\$ 130.00	
Total Filing and/or Surcharge Fee		\$ 1,096.00

☒ Applicant(s) assert entitlement to Small Entity Status  
(37 C.F.R. § 1.27), reducing the Filing/Surcharge Fee by half to: \$ 548.00

☐ A check in the amount of \$\_\_\_\_\_ to cover the Filing and/or Surcharge Fee is enclosed.

☒ Charge \$ 548.00 to Deposit Account No. 06-1135.

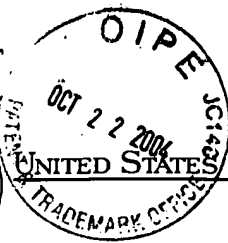
☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in triplicate.

October 19, 2004  
Date

  
Brian S. Clise  
Registration No. 47,497

FITCH, EVEN, TABIN & FLANNERY  
120 South LaSalle Street, Suite 1600  
Chicago, Illinois 60603-3406  
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JFW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/692,468	10/22/2003	Qi-Bin Bao	79587

CONFIRMATION NO. 7253

## FORMALITIES LETTER



\*OC000000013369789\*

22242  
 FITCH EVEN TABIN AND FLANNERY  
 120 SOUTH LA SALLE STREET  
 SUITE 1600  
 CHICAGO, IL 60603-3406

Date Mailed: 07/29/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$172 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1072 for a Large Entity 10/25/2004 RMEBRAHT 00000031 061135 10692468

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

01 FC:2001	395.00 DA
02 FC:2051	65.00 DA
03 FC:2201	88.00 DA

- Total additional claim fee(s) for this application is \$172

- \$172 for 2 independent claims over 3.

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not identify the citizenship of each inventor.

Replies should be mailed to:    Mail Stop Missing Parts  
   Commissioner for Patents  
   P.O. Box 1450  
   Alexandria VA 22313-1450

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***A copy of this notice MUST be returned with the reply.***

T. Ketsela  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE